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DEC 28 2005

5

FACSIMILE TRANSMISSION

Total # of Pages 26 (including this page)

TO:	PHONE #:	FAX #:
Commissioner for Patents	(571) 272-4000	(571) 273-8300

From: Stephen E. Reiter

Email Address: sreiter@foley.com

Sender's Direct Dial: 858.847.6711

Date: December 28, 2005

Client/Matter No: SALK3130-1J (088802-9705)

User ID No: 1877

RECEIVED

1 3 FEB 2006

Legal Staff International Division

MESSAGE:

U.S. Patent Application No. 10/535,041 Re:

Following are:

- Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United 1) States Designated Office/Elected Office (EO/U.S) (2 pgs.)
- Declaration and Power of Attorney (8 pgs.) 2)
- Return Copy of Notification of Missing Requirements (2 pgs.) 3)
- 4) Declaration of Facts in Support of Petition Under 1.47. (7 pgs.)
- Petition under 37 C.F.R. 1.47, with Deposit Account authorization, in duplicate (4 pgs.) 5)
- Petition for Extension of Time, with Deposit Account authorization in duplicate (2 pgs.) 6)

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To:
- 6		Mercedes F. "Ched" Dipasupil

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

FOLEY & LARDNER LLP

DLMR_279051.1

NO. 3989

P. 2

DEC 2 8 2005_{Atty. Dkt. No. SALK3130-1J} (088802-9705)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Downes et al.

Title:

NON-STEROIDAL FARNESOID

X RECEPTOR MODULATORS

Appl. No.:

10/535,041

Filing Date:

11/14/2003

Examiner:

Unknown

Art Unit:

Unknown

Conf. No.

2217

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Stephen E. Reiter</u> (Printed Name) (Signature) December 28, 2005 (Date of Deposit)

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED OFFICE/ELECTED OFFIC (DO/EO/US)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

1 3 FEB 2006

Sir:

Legal Staff International Division

In response to the Notification of Missing Requirements mailed on September 28, 2005, in the above-identified application, transmitted herewith is the executed Declaration and Power of Attorney and supporting documents needed to complete the requirements for acceptance under 35 U.S.C. 371.

Enclosed are:

- Declaration and Power of Attorney (8 pages).
- Return Copy of Notification of Missing Requirements. [X]
- Declaration of Facts in Support of Petition Under §1.47. [X]



In re application of Downes et al.

Application No.: 10/535,041

Page 2 of 2

Atty. Dkt. No. SALK3130-1J (088802-9705)

- [X] Petition Under 37 C.F.R.§1.47(a), along with authorization to charge Deposit Account No. 50-0872 the amount of \$130.00 to cover the petition fee, in duplicate.
- [X] Petition for Extension of Time, in duplicate.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date December 28, 2005

FOLEY & LARDNER LLP Customer Number: 30542

Telephone:

(858) 847-6711

Facsimile:

(858) 792-6773

Stephen E. Reiter Attorney for Applicant Registration No. 31,192









United States Patent and Trademark Office

EMEY & LARDNER
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Tradomark Office
Address COMMISSIONER FOR PATENTS
FO. Box 1430
Alwaydda Vartha 22113-1450

PCT/US03/36123

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

10/535,041 Michael R Downes SALK 3130-1J

INTERNATIONAL APPLICATION NO.

30542
FOLEY & LARDNER
P.O. BOX 80278

RECEIVED

OCT 0 3 2005

UCT 0 3 2005 11/14/2003 11/15/2002

DD-4128106

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CONFIRMATION NO. 2217
371 FORMALITIES LETTER

OCCO000000017112360*

DUC - 11 | 28 | 65

Date Mailed: 09/28/2005

SAN DIEGO, CA 92138-0278

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/13/2005
- Copy of the International Search Report filed on 05/13/2005
- Preliminary Amendments filed on 05/13/2005
- Information Disclosure Statements filed on 08/11/2005
- U.S. Basic National Fees filed on 05/13/2005
- Priority Documents filed on 05/13/2005

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a pelltion and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

DEC. 28. 2005 5:21PM





SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY, DOCKET NO.
10/535,041	PCT/US03/36123	SALK 3130-1J

FORM PCT/DO/EO/905 (371 Formalities Notice)



Office of Technology Management

Shella R. Kirschenbaum, Ph.D. Patent Counsel

Via Federal Express

August 12, 2005

Dr. Thomas Fitting Chief Patent Counsel The Scripps Research Institute 10550 North Torrey Pines Road La Jolla, CA 92037

Re:

United States Application No. 10/535,041

Filing Date: May 13, 2005 Salk Reference No. S02020C

Dear Tom,

You may recall that the Salk Institute filed the above-Identified PCT International Patent Application Number PCT/US2003/036123 naming inventors from the Salk Institute for Biological Studies and The Scripps Research Institute. That application has now entered national phase in the United States and is identified as United States Application No. 10/535,041.

As you know, in connection with entering national phase in the United States and continuing the process for obtaining patent protection for the inventions described, a formal document bearing signatures of the named inventors must be filed in the United States Patent and Trademark Office. The document, a Declaration by Inventor, is being sent to you as legal representative for the Scripps inventors. A copy of the application is included with this letter so you may provide each. Scripps Inventor with a copy, along with the Declaration by Inventor.

Please have the documents signed by each Scripps inventor where indicated and return them to me at your earliest convenience, preferably by September 15, 2005, so they may be submitted with Declarations by Inventor signed by Salk inventors.

If you have any questions about these documents, please do not hesitate to contact me. Also, if you would like us to prepare Assignments by Inventor in connection with this application, let me know.

Sincerely,

Shorte R. Gusellel

10010 North Torrey Pines Road, La Jolla, CA 92037-1099

PO Box 85800, San Diego, CA 92186-5800





SALK INSTITUTE

Office of Technology Management

Sheila R. Kirschenbaum, Ph.D. Patent Counsel

Via Facsimile (858) 784-9399 and e-mail fitting@scripps.edu

December 7, 2005

Dr. Thomas Fitting
Chief Patent Counsel
The Scripps Research Institute
10550 North Torrey Pines Road
La Jolla, CA 92037

Re:

United States Application No. 10/535,041

Filing Date: May 13, 2005 Salk Reference No. S02020C

Dear Tom,

I'm following up on my letter of August 12, 2005 and our telephone conversation on October 26, 2005 about Declarations by Inventor in the above-identified patent application. In October, we discussed whether Scripps inventors named on the patent application would be signing the Declarations, and you indicated that the matter was with the Scripps technology transfer office for review.

As you may know, in a telephone conference yesterday, I discussed the matter with Jennifer Dyer, Director of the Office of Technology Development at Scripps. Ms. Dyer told me that Scripps inventors would not be signing Declarations by Inventors for this patent application.

Since the documents were originally sent to you, and you and I have discussed the matter, I wanted to update you on its status. I plan on telephoning you shortly to confirm this status, and of course, if the status has changed, please contact me at your earliest convenience at (858) 453-4100, extension 1612.

Sincerely,

Sheila R. Kusehenh